

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

v.

MARIBEL LIZARRAGA,

Defendant.

8:18CR42

**PRELIMINARY ORDER OF
FORFEITURE**

This matter is before the Court on the government's Motion for Preliminary Order of Forfeiture (Filing No. 111). The Court has carefully reviewed the record in this case and finds as follows:

1. On July 13, 2018, defendant Maribel Lizarraga ("Lizarraga") pled guilty pursuant to a written Plea Agreement (Filing No. 83) to Count I of the Information and admitted the Forfeiture Allegation. Count I of the Information charged Lizarraga with conspiracy to distribute and possess with intent to distribute 500 grams or more of a mixture or substance containing methamphetamine, in violation of 21 U.S.C. § 846. The Forfeiture Allegation in the Information sought the forfeiture, pursuant to 21 U.S.C. § 853, of a 2000 Chevrolet Astro Van, VIN #1GNDM19WXYB122598 on the basis that the vehicle was used in the commission of the conspiracy.

2. On October 31, 2018, the government's Motion for Interlocutory Sale (Filing No. 97) was granted authorizing the U.S. Marshal Service to sell the 2000 Chevrolet Astro Van, VIN #1GNDM19WXYB122598. Upon the sale of the van, the proceeds would be used to pay the costs incurred in selling the van, pay the U.S. Marshals Service's costs in maintaining custody of the van, pay any unsecured debt on the van, and hold the balance of

the sale, if any, as a substitute *res* in this case until further order of the Court.

4. On November 11, 2018, the U.S. Marshals Service sold the van for salvage for \$400. The proceeds of the sale were applied to the costs incurred in selling the van for salvage and costs in maintaining the van. The U.S. Marshals Service's costs and expenses in maintaining the van were approximately \$1,207.98. Accordingly, the U.S. Marshals Service was left with a negative balance of approximately \$807.98.

4. By virtue of her guilty plea, Lizarraga forfeits her interest in the 2000 Chevrolet Astro Van, VIN #1GNDM19WXYB122598, and the government should be entitled to possession of said property and the proceeds from the sale of said property, pursuant to 21 U.S.C. § 853.

5. The government's Motion for Preliminary Order of Forfeiture should be granted.

IT IS ORDERED:

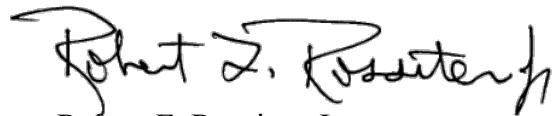
1. The government's Motion for Preliminary Order of Forfeiture (Filing No. 111) is granted.
2. Based upon the Forfeiture Allegation of the Information and Lizarraga's guilty plea, Lizarraga's interest in the 2000 Chevrolet Astro Van, VIN #1GNDM19WXYB122598, and the proceeds from the sale of the van are hereby forfeited to the government for disposition in accordance with the law, subject to the provisions of 21 U.S.C. § 853(n)(1).
3. Pursuant to 21 U.S.C. § 853(n)(1), the government forthwith shall publish for at least thirty consecutive days on an official internet government forfeiture site, www.forfeiture.gov, notice of this Preliminary Order of Forfeiture, notice of publication evidencing the government's intent to dispose of the property in such manner as the Attorney General may direct, and notice that any person, other than Lizarraga, having or claiming a legal interest in the subject property must file a Petition with the Court within thirty days of the final publication of notice or of receipt of actual notice, whichever is earlier.
4. The published notice shall state the Petition referred to in Paragraph 3, above, shall be for a hearing to adjudicate the validity of the Petitioner's interest in the property, shall be signed by the Petitioner under penalty of perjury, and shall set forth the nature and extent of the Petitioner's right, title or interest in the subject

property and any additional facts supporting the Petitioner's claim and the relief sought.

5. Upon adjudication of all third-party interests, this Court will enter a Final Order of Forfeiture pursuant to 21 U.S.C. § 853(n), in which all interests will be addressed.

Dated this 12th day of December 2018.

BY THE COURT:



Robert F. Rossiter, Jr.
United States District Judge